



## European Commission

Directorate General Internal Market, Industry, Entrepreneurship and SMEs  
Unit B2 – Prevention of Technical Barriers  
Rue de la Loi 200  
B-1040 Brussels

19 October 2023

### **RE: TRIS 2023/0510/FR: French draft “Decree on the use of certain designations used to describe foods containing vegetable proteins”**

Dear Sir/Madam,

The European Vegetarian Union (EVU) has issued comments on TRIS 2020/338/F as well as on TRIS 2021/638/F concerning the restrictions the French state is putting up for the labelling of plant-based food products. Many of the arguments from these contributions, especially those that concern EU internal market problems, still hold true.

We would also like to inform the Commission and Member States that there is an ongoing litigation, in which the EVU is a party, that referred questions on the harmonisation of EU law on these food labelling matters to the European Court of Justice (ECJ [C-438/23](#)). From a procedural perspective, with France’s publication of the new decree, this referral and guidance from the ECJ is put into question and might be revoked. We would like to express concern about such steps, as we believe the questions directed at the ECJ are fundamental for the future of (plant-based) food labelling and therefore not just relevant for the old decree, but also for the new one and for other EU Member States, as well. We would therefore advise the European Institutions and Member States to hold back on issuing laws that have an uncertain EU-wide impact and to respect open legal processes.

### *Effective protection of consumers from misleading practices under Regulation (EU) No 1169/2011*

First, the EVU would like to recall that Regulation (EU) No 1169/2011 already provides an effective framework to protect consumers against misleading, inaccurate, or unclear information communicated to them, especially regarding the loyalty of information via the designation of foodstuffs.

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In particular, article 7 of Regulation (EU) No 1169/2011 sets a general principle of fair information practices, prohibiting food information to be misleading, in particular as to the nature and composition of foodstuffs.

More specifically, the provisions of article 17, read together with point 4, Part A of Annex VI, provide obligations to ensure clear and loyal information is provided to consumers, which should be communicated by appropriate naming of the food.

In specific cases, specific rules are established regarding the labelling of foodstuffs in the event of substitution of ingredients or components. In such cases, the labelling shall bear a clear indication of the component or the ingredient which is being used as a partial or whole substitution, in addition to the list of ingredients.

The EVU wishes to highlight that the abovementioned provisions of Regulation (EU) No 1169/2011 have proceeded to harmonize the question of fair food information delivered to consumers, by establishing general, as well as specific rules, to enable consumers to know the true nature of the food and to distinguish it from foods with which they could confuse it.

EVU therefore believes that appropriate protection of consumers against misleading practices regarding food information, including rules on product denominations, is established at EU level and falls within the scope of Regulation (EU) No 1169/2011. The EVU advises against a disparate approach by Member States, which can lead to misleading consumer perception and fragmentation of the Single Market. The proposed Decree could further distort competition between manufacturers of foodstuffs of animal and plant origin, in light of a context of strong consumer demand for products containing plant proteins.

## *Informative food labelling*

Tradition is that plant-based meat alternatives can bear 'meaty' names as long as their non-animal origin is made plain. The French Law claims to defend tradition in food markets but in fact does the opposite: it breaks with tradition. The use of product denominations such as 'vegetarian schnitzel' and 'vegan tofu sausage' for food containing vegetable proteins is well established and has been used in the internal market for decades and has not caused significant complaints from either consumers or traders. Because the vegetarian nature of meat alternatives is important in terms of generating sales, producers and retailers communicate it clearly on the packaging. Consumers are not misled by the use of 'meaty names' for vegetarian alternatives.

To underline this point, we would like to make reference to a number of studies and surveys that have been conducted around the world on this issue:

## *Studies on consumer understanding and transparency*

- European/BEUC survey

BEUC is the European consumer interest organisation and conducted [research in 2020](#):

"Most consumers do not appear to be concerned about the naming of veggie 'burgers' or 'sausages', as long as the products are clearly identifiable as vegetarian/vegan. On average, only 1 in 5 consumers (20.4%) think the use of 'meaty' names should never be allowed on vegetarian/vegan products. Most respondents (42.4%) believe these names should be permitted

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provided that the products are clearly labelled as vegetarian/vegan, and 1 in 4 (26.2%) do not see any problem at all with using such names (11% have no opinion)”

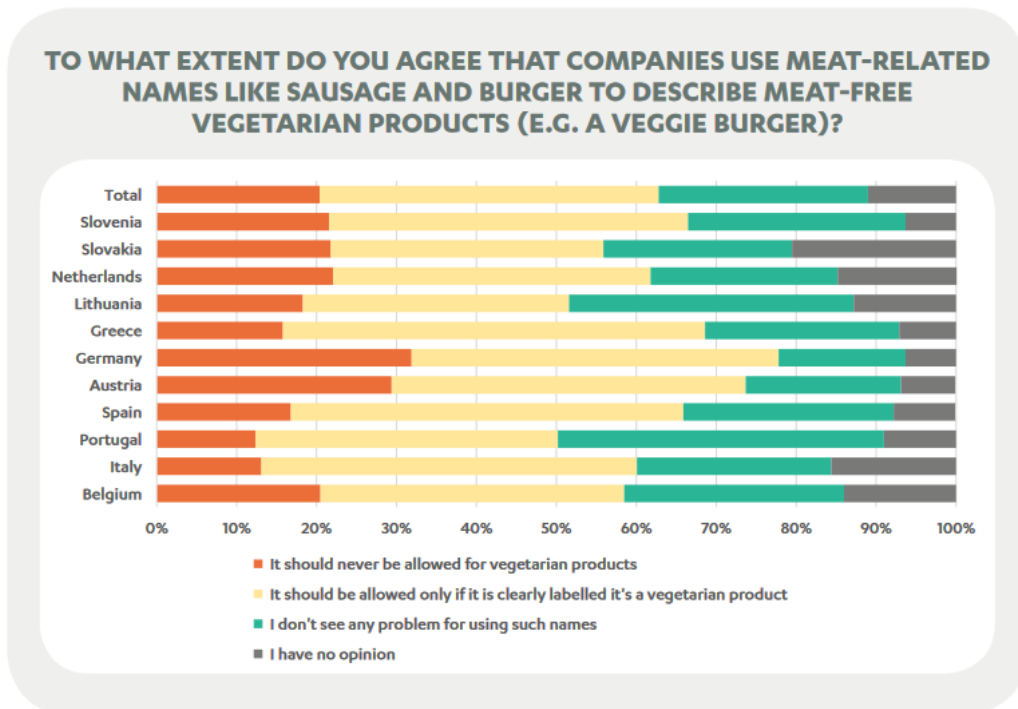


Figure 22: Q9 – “To what extent do you agree that companies use meat-related names like sausage and burger to describe meat-free vegetarian products (e.g. a veggie burger)?” [Base: all respondents]

- German studies

[Forsa 2015:](#)

Question: Have you ever accidentally purchased a wrong product, for example a vegetarian or vegan instead of an animal based or meat product **or vice versa**?

95% claimed this has never happened to them.

[IFH study 2022:](#)

- When confronted with real examples from the supermarkets:
  - 92% correctly identified a “vegetarian meat salad” as vegetarian
  - 92% correctly identified vegan chicken nuggets as vegan

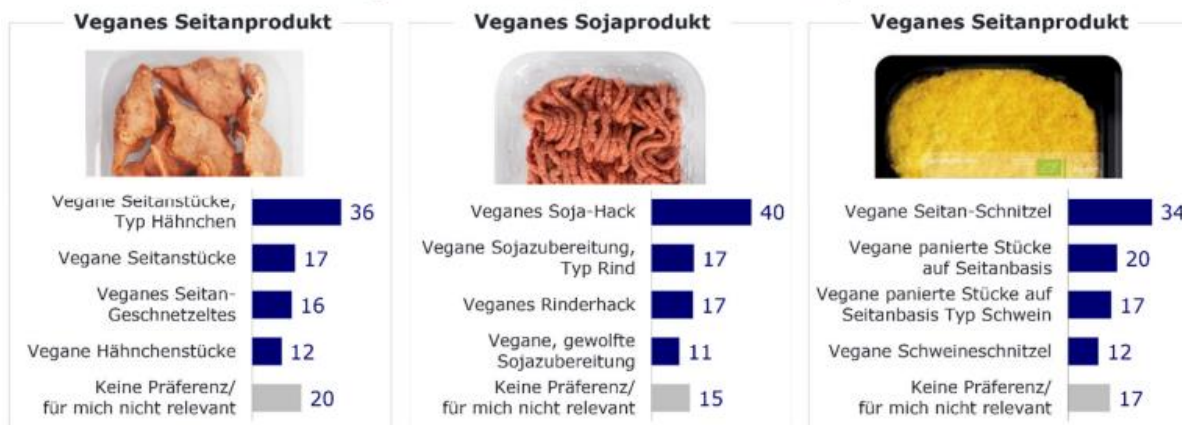
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Produktnamen werden eindeutiger bewertet, wenn sie sich entweder sprachlich vom Tierbegriff abgrenzen („Typ Hähnchen“) oder sich eher auf Fleischarten oder -teilstücke beziehen („Hack“; „Schnitzel“).

### Eindeutigste Bezeichnungen für Fleischersatzprodukte



FRAGE Welche der folgenden Bezeichnungen empfinden Sie am eindeutigsten?

INFO n = 1.500 (bevölkerungsrepräsentative Stichprobe); Angaben in %

Question: which product designations are most unambiguous?

- Majorities for: "vegan seitan pieces chicken style/type“, "vegan soy mince“, "vegan seitan schnitzel“

- Australian survey

[Widespread confusion over meat-free food labels unfounded](#)

Key findings of the survey include:

- There is no widespread confusion among Australian consumers. Only 4% of people surveyed inadvertently purchased a plant-based product because of confusion with labels. Of those respondents who purchased plant-based products believing them to be animal products, 67% indicated this was because they were in a hurry or distracted and did not read the product label.
- Plant-based consumers are far more likely to buy a product in error than the other way around, with 41% of plant-based respondents having bought a product to later discover it contains animal ingredients.
- 64% of respondents find generic terms like 'meat-free' and 'meat-less' helpful to differentiate if products contain meat or not, and 57% find specific terms like 'beef-free', 'plant-based chicken', and 'bacon-style' helpful to know if products contain meat or not.
- 22% of respondents indicated they want to eat more plant-based foods, and reduce the amount of animal products they consume, and
- 26% of respondents indicated they are likely to substitute a plant-based product for an animal product in the next 12 months."

- US study

[Are Consumers Really Confused by Plant-Based Food Labels? An Empirical Study](#)

"The results demonstrate that: (1) consumers are no more likely to think that plant-based products come from an animal if the product's name incorporates words traditionally associated with animal products than if it does not. (2) Omitting words that are traditionally associated with animal products from the names of plant-based products actually causes consumers to be significantly more confused about the taste and uses of these products. Together, the findings imply that legislation prohibiting companies from using words like "beef" and "butter" on their labels does not advance the government's interest in preventing consumer confusion."

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These examples underline that ‘meaty names’ for vegetarian alternatives to meat products convey important information about what consumers can expect from a product. These denominations guide consumers in their purchase decisions in a straightforward way. If meat alternatives needed to be given new, non-established names, customers would require information on appearance, taste, texture, preparation, etc. in the form of additional text and pictures on the packaging. This would – for no plausible reason – overcomplicate the purchase process for consumers and limit their ability to make their own purchase decisions.

Renaming established names and brands with ‘non-meaty’ fantasy denominations such as galette instead of steak or disc instead of burger would provide no further clarity for consumers of meat and would be unnecessarily confusing to consumers of non-meat products. Indeed, one can argue that it would instead undermine the EU's consumer protection agenda by needlessly introducing uncertainty around the naming of plant-based foods.

## Environmental considerations

Plant-based products can provide more sustainable alternatives to meat products. The European Commission has stated in its Farm to Fork Strategy that “Moving to a more plant-based diet with less red and processed meat and with more fruits and vegetables will reduce not only risks of life-threatening diseases, but also the environmental impact of the food system.” The Commission has also expressed its wish to empower consumers “to choose sustainable food” and to make “it easier to choose healthy and sustainable diets”. We are convinced that this can only be achieved if consumers are able to identify plant-based alternatives quickly and easily.

Given the importance of the French initiative and the consequences it has for the functioning of the internal market, we strongly advise the European Commission and EU Member States to investigate and clarify this matter.

We hope that these considerations reach you in time to inform the debate in the TRIS process.

Yours faithfully,



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### About the EVU

The European Vegetarian Union ([www.euroveg.eu](http://www.euroveg.eu)) is the umbrella association of 46 civil society organisations in 29 countries. The EVU represents the voice of the growing number of European consumers shifting towards a more plant-based diet. As such, we advocate for a favourable food environment that makes it easier to choose more plant-based foods and dishes.

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